

2005 DRAFTING REQUEST

Bill

Received: **03/01/2005**

Received By: **chanaman**

Wanted: **As time permits**

Identical to LRB:

For: **Revisor of Statutes**

By/Representing: **Bruce**

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **State Govt - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Revisor's correction bill.

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 03/01/2005	csicilia 03/06/2005					
/P1		csicilia 03/07/2005	jfrantze 03/07/2005		sbasford 03/07/2005		
/P2		csicilia 03/11/2005	rschluet 03/07/2005		sbasford 03/07/2005		
/1			jfrantze 03/11/2005		lnorthro 03/11/2005	mbarman 09/29/2005	

FE Sent For:

None needed

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/P1		csicilia 03/07/2005	jfrantze 03/07/2005		sbasford 03/07/2005		
/P2			rschluet 03/07/2005		sbasford 03/07/2005		

FE Sent For:

1 gs 3/11 3/11
05 3/11
Self
<END>

PA's:
this is a /1
version Revisors
Bill.

CJS

~~<END>~~

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/?	chanaman 03/01/2005	csicilia	<i>6/3/05</i>	<i>6/19/05</i>			

FE Sent For:

PI js 3/6/05

<END>



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2304/P2

BEM:cjs:rs

TODAY IF POSSIBLE

stays
7-11-11

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisors Bill
Do NOT Gen Cat
Do NOT Sort

- 1 AN ACT relating to: amending and revising s. 86.21 (2) (a) of the statutes for the
2 purpose of eliminating ambiguities (Revisor's Revision Bill).

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 3 SECTION 1. 86.21 (2) (a) of the statutes is amended to read:
4 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
5 section, a resolution authorizing the construction or acquisition thereof, and
6 specifying the method of payment therefor, shall be adopted by a majority of the
7 members of the governing body of such county, town, village or city at a regular
8 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
9 resolution shall include a general description of the property it is proposed to acquire

1 or construct. Any county, town, village or city constructing or acquiring a toll bridge
2 under this section may provide for the payment of the same or any part thereof from
3 the general fund, from taxation, or from the proceeds of either municipal bonds,
4 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
5 until 15 days after its passage and publication. If within said 15 days a petition
6 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
7 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
8 requesting that the question of acquiring such toll bridge be submitted to the said
9 electors, such question shall be submitted at ~~any~~ the next general or regular
10 municipal election that is held not sooner than 42 days from the date of filing such
11 petition. ~~In case no such general or regular municipal election is to be held within~~
12 ~~such stated period, then the governing body of such municipality shall order a special~~
13 ~~election to be held within 30 days from the filing of such petition upon the question~~
14 ~~of whether such toll bridge shall be acquired by said municipality.~~ The question
15 submitted to the electors shall specify the method of payment for such toll bridge as
16 provided in the resolution for the acquisition thereof. If no such petition is filed, or
17 if the majority of votes cast at such referendum election are in favor of the acquisition
18 of such toll bridge, then the resolution of the governing body for the acquisition of
19 such toll bridge shall be in effect.

NOTE: The sentence shown as stricken is deleted because it was rendered obsolete by 1999 Wis. Act 182. The sentence is part of a description of the procedure governing a municipal referendum for acquiring a toll bridge. It requires the referendum to be held at a special election in the eventuality that "no . . . general or regular municipal election is to be held within such stated period." Prior to Act 182, the "stated period" referred to was "not less than 10 nor more than 40 days from the date of filing [the referendum petition]." Act 182 changed this language to "not sooner than 42 days from the date of filing [the referendum petition]." As a result, the "stated period" now has no end point, and the eventuality can never occur of there being no general or regular election within this open-ended period.

The analysis provided by the Legislative Reference Bureau for Act 182 confirms that the deletion of this sentence is consistent with the intent of the act. The sentence

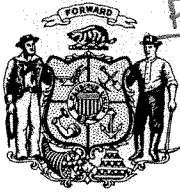
requires a referendum held at a special election to be held "within 30 days from the filing [of the referendum petition]." The analysis, however, states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

"Any" is changed to "the next" to eliminate an ambiguity caused by 1999 Wis. Act 182. Prior to Act 182, the phrase "any general or regular election" referred to one specific election because it was qualified by the phrase "that may be held not less than 10 nor more than 40 days from the date of filing such petition." As the provision currently stands, "any general or regular election" is not qualified in this way and could mean the next general or regular election or some future general or regular election occurring after the next one.

1

(END)



Please return to LRB when you have completed review.

State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2304/11

BEM:cjs:jf

P2

TO DAY

8 days

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT Gen Cat
Do NOT Sort

1 AN ACT (...) relating to: amending and revising s. 86.21 (2) (a) of the statutes for
2 the purpose of eliminating conflicts (Revisor's Revision Bill).

ambiguities

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

****NOTE: See my change to relating clause. OK? Also, is the problem addressed by this bill really a "conflict" — a municipality seeking to act under s. 86.21 (2) (a), as that statute currently stands, would not find itself subject to contradictory requirements. If the problem is not a conflict, the relating clause should be adjusted.

SECTION 1. 86.21 (2) (a) of the statutes is amended to read:

86.21 (2) (a) Before any such toll bridge is constructed or acquired under this section, a resolution authorizing the construction or acquisition thereof, and specifying the method of payment therefor, shall be adopted by a majority of the members of the governing body of such county, town, village or city at a regular

1 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
2 resolution shall include a general description of the property it is proposed to acquire
3 or construct. Any county, town, village or city constructing or acquiring a toll bridge
4 under this section may provide for the payment of the same or any part thereof from
5 the general fund, from taxation, or from the proceeds of either municipal bonds,
6 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
7 until 15 days after its passage and publication. If within said 15 days a petition
8 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
9 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
10 requesting that the question of acquiring such toll bridge be submitted to the said
11 electors, such question shall be submitted at any the next general or regular
12 municipal election that is held not sooner than 42 days from the date of filing such
13 petition. ~~In case no such general or regular municipal election is to be held within~~
14 ~~such stated period, then the governing body of such municipality shall order a special~~
15 ~~election to be held within 30 days from the filing of such petition upon the question~~
16 ~~of whether such toll bridge shall be acquired by said municipality.~~ The question
17 submitted to the electors shall specify the method of payment for such toll bridge as
18 provided in the resolution for the acquisition thereof. If no such petition is filed, or
19 if the majority of votes cast at such referendum election are in favor of the acquisition
20 of such toll bridge, then the resolution of the governing body for the acquisition of
21 such toll bridge shall be in effect.

NOTE: The sentence shown as stricken is deleted to effectuate the intent of 1999 Wis. Act 182 and to eliminate a conflict created by the treatment of this provision by that act. Act 182 replaced the phrase "such question shall be submitted at any general or regular municipal election that may be held not less than 10 nor more than 40 days from the date of filing such petition" in s. 86.21 (2) (a) with "such question shall be submitted at any general or regular municipal election that is held not sooner than 42 days from the date of filing such petition."

As a result, a referendum by special election is called for within 30 days of the filing of the petition in direct conflict with the treatment by Act 182, although the triggering mechanism for the special election, no election being held within the "stated period," was eliminated by Act 182 by the change from "not less than 10 nor more than 40 days" to "not sooner than 42 days." The analysis provided by the Legislative Reference Bureau for 1999 Wis. Act 182 states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

Prior to 1999 Wis. Act 182, the election was required to be held either at a regular or general election within the stated period or at a special election not more than 30 days after filing the petition. The change of "any" to "the next" is made so that the time for the election is again made specific.

***NOTE: The note, as written, is difficult to understand because it does not clearly identify and organize the ideas that it is trying to express. I took a stab at a rewrite — would something like the following be OK?

NOTE: The sentence shown as stricken is deleted because it was rendered obsolete by 1999 Wis. Act 182. The sentence is part of a description of the procedure governing a municipal referendum for acquiring a toll bridge. It requires the referendum to be held at a special election in the eventuality that "no . . . general or regular municipal election is to be held within such stated period." Prior to Act 182, the "stated period" referred to was "not less than 10 nor more than 40 days from the date of filing [the referendum petition]." Act 182 changed this language to "not sooner than 42 days from the date of filing [the referendum petition]." As a result, the "stated period" now has no end point, and the eventuality can never occur of there being no general or regular election within this open-ended period.

The analysis provided by the Legislative Reference Bureau for Act 182 confirms that the deletion of this sentence is consistent with the intent of the act. The sentence requires a referendum held at a special election to be held "within 30 days from the filing [of the referendum petition]." The analysis, however, states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

"Any" is changed to "the next" to eliminate an ambiguity caused by 1999 Wis. Act 182. Prior to 1999 Wis. Act 182, the phrase "any general or regular election" referred to one specific election because it was qualified by the phrase "that may be held not less than 10 nor more than 40 days from the date of filing such petition." As the provision currently stands, "any general or regular election" is not qualified in this way and could mean the next general or regular election or some future general or regular election occurring after the next one.

Siciliano, Chris

From: Hoesly, Bruce
Sent: Monday, March 07, 2005 10:57 AM
To: Siciliano, Chris
Subject: 2304

Rather than me sending the paper version back to you, can you just change the relating clause from "conflicts" to "ambiguities" and replace my explanatory note and keep yours? Call that a P2 and send it over so BM can review it all at once.

Bruce Hoesly

Bruce Hoesly
Deputy Revisor of Statutes



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-2304/P1

BEM:cjs:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ...; **relating to:** amending and revising s. 86.21 (2) (a) of the statutes for
2 the purpose of eliminating ~~conflicts~~ (Revisor's Revision Bill). *ambiguities*

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

***NOTE: See my change to relating clause. OK? Also, is the problem addressed by this bill really a "conflict" — a municipality seeking to act under s. 86.21 (2) (a), as that statute currently stands, would not find itself subject to contradictory requirements. If the problem is not a conflict, the relating clause should be adjusted.

3 SECTION 1. 86.21 (2) (a) of the statutes is amended to read: *OK*
4 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
5 section, a resolution authorizing the construction or acquisition thereof, and
6 specifying the method of payment therefor, shall be adopted by a majority of the
7 members of the governing body of such county, town, village or city at a regular

1 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
2 resolution shall include a general description of the property it is proposed to acquire
3 or construct. Any county, town, village or city constructing or acquiring a toll bridge
4 under this section may provide for the payment of the same or any part thereof from
5 the general fund, from taxation, or from the proceeds of either municipal bonds,
6 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
7 until 15 days after its passage and publication. If within said 15 days a petition
8 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
9 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
10 requesting that the question of acquiring such toll bridge be submitted to the said
11 electors, such question shall be submitted at any the next general or regular
12 municipal election that is held not sooner than 42 days from the date of filing such
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19 if the majority of votes cast at such referendum election are in favor of the acquisition
20 of such toll bridge, then the resolution of the governing body for the acquisition of
21 such toll bridge shall be in effect.

NOTE: The sentence shown as stricken is deleted to effectuate the intent of 1999 Wis. Act 182 and to eliminate a conflict created by the treatment of this provision by that act. Act 182 replaced the phrase "such question shall be submitted at any general or regular municipal election that may be held not less than 10 nor more than 40 days from the date of filing such petition" in s. 86.21 (2) (a) with "such question shall be submitted at any general or regular municipal election that is held not sooner than 42 days from the date of filing such petition."

As a result, a referendum by special election is called for within 30 days of the filing of the petition in direct conflict with the treatment by Act 182, although the triggering mechanism for the special election, no election being held within the "stated period," was eliminated by Act 182 by the change from "not less than 10 nor more than 40 days" to "not sooner than 42 days." The analysis provided by the Legislative Reference Bureau for 1999 Wis. Act 182 states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

Prior to 1999 Wis. Act 182, the election was required to be held either at a regular or general election within the stated period or at a special election not more than 30 days after filing the petition. The change of "any" to "the next" is made so that the time for the election is again made specific.

OK ****NOTE: The note, as written, is difficult to understand because it does not clearly identify and organize the ideas that it is trying to express. I took a stab at a rewrite — would something like the following be OK?

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If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

"Any" is changed to "the next" to eliminate an ambiguity caused by 1999 Wis. Act 182. Prior to 1999 Wis. Act 182, the phrase "any general or regular election" referred to one specific election because it was qualified by the phrase "that may be held not less than 10 nor more than 40 days from the date of filing such petition." As the provision currently stands, "any general or regular election" is not qualified in this way and could mean the next general or regular election or some future general or regular election occurring after the next one.

PLEASE return to LRB when you have finished reviewing.

SOON

2005 - 2006 LEGISLATURE

LRB-2304/2

P1

BEM

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Revisor's bill
Do NOT Gen Cat
Do NOT Sort

inserts

1

AN ACT ...; relating to: ???

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

(END)

INS A

INS
B

(This is 05-2304/P1ins CJS)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....


INS A

s. 86.21 (2) (a)

1
2 **AN ACT relating to:** amending, and revising various provisions of the statutes
3 for the purpose of eliminating conflicts (Revisor's Revision Bill).

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill.

 ***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 **SECTION 1.** 86.21 (2) (a) of the statutes is amended to read:

5 86.21 (2) (a) Before any such toll bridge is constructed or acquired under this
6 section, a resolution authorizing the construction or acquisition thereof, and
7 specifying the method of payment therefor, shall be adopted by a majority of the
8 members of the governing body of such county, town, village or city at a regular
9 meeting, after publication of said resolution, as a class 2 notice, under ch. 985. The
10 resolution shall include a general description of the property it is proposed to acquire
11 or construct. Any county, town, village or city constructing or acquiring a toll bridge
12 under this section may provide for the payment of the same or any part thereof from
13 the general fund, from taxation, or from the proceeds of either municipal bonds,
14 revenue bonds or as otherwise provided by law. Such resolution shall not be effective
15 until 15 days after its passage and publication. If within said 15 days a petition
16 conforming to the requirements of s. 8.40 is filed with the clerk of such municipality,
17 and filed as provided in s. 8.37, signed by at least 20% of the electors thereof
18 requesting that the question of acquiring such toll bridge be submitted to the said

↓

1 electors, such question shall be submitted at any the next general or regular
2 municipal election that is held not sooner than 42 days from the date of filing such
3 petition. ~~In case no such general or regular municipal election is to be held within~~
4 ~~such stated period, then the governing body of such municipality shall order a special~~
5 ~~election to be held within 30 days from the filing of such petition upon the question~~
6 ~~of whether such toll bridge shall be acquired by said municipality.~~ The question
7 submitted to the electors shall specify the method of payment for such toll bridge as
8 provided in the resolution for the acquisition thereof. If no such petition is filed, or
9 if the majority of votes cast at such referendum election are in favor of the acquisition
10 of such toll bridge, then the resolution of the governing body for the acquisition of
11 such toll bridge shall be in effect.

s. 86.21

NOTE: The sentence shown as stricken is deleted to effectuate the intent of 1999 Wis. Act 182 and to eliminate a conflict created by the treatment of this provision by that act. 1999 Wis. Act 182 replaced the phrase "such question shall be submitted at any general or regular municipal election that may be held not less than 10 nor more than 40 days from the date of filing such petition" in sub (2) (a) with "such question shall be submitted at any general or regular municipal election that is held not sooner than 42 days from the date of filing such petition."

As a result, a referendum by special election is called for within 30 days of the filing of the petition in direct conflict with the treatment by Act 182, although the triggering mechanism for the special election, no election being held within the "stated period," was eliminated by Act 182 by the change from "not less than 10 nor more than 40 days" to "not sooner than 42 days." The Analysis by the Legislative Reference Bureau for 1999 Wis. Act 182 states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

Prior to 1999 Wis. Act 182, the election was required to be held either at a regular or general election within the stated period or at a special election not more than 30 days after filing the petition. The change of "any" to "the next" is made so that the time for the election is again made specific.

end INS A

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

This is 05-2304/P1 Ins 2 CJS

LRB

.....

INS B

****NOTE: The note, as written, is difficult to read because it does not clearly isolate and organize the ideas that it is trying to express, especially after the first paragraph. I took a stab at a rewrite — would something like the following be OK?

NOTE: The sentence shown as stricken is deleted because it was rendered obsolete by 1999 Wis. Act 182. The sentence is part of a description of the procedure governing a municipal referendum for acquiring or constructing a toll bridge. It requires the referendum to be held at a special election in the eventuality that "no . . . general or regular municipal election is to be held within the specified period". Prior to Act 182, the "specified period" referred to was "not less than 10 nor more than 40 days from the date of filing [the referendum petition]." Act 182 changed this language to "not sooner than 42 days from the date of filing [the referendum petition]." As a result, the "specified period" now has no end point, and the eventuality can never occur of there being no general or regular election within this open-ended period.

The analysis provided by the Legislative Reference Bureau for Act 182 also shows that the elimination of this sentence is consistent with the intent of the act. The sentence requires a referendum held at a special election to be held "within 30 days of filing [the referendum petition]." The analysis, however, states:

If, under current law, a referendum may be held sooner than six weeks after the filing of a petition or the passage of a resolution calling for that referendum, this bill extends the time period before which the referendum may be held to not less than six weeks.

"Any" is changed to "the next" to eliminate an ambiguity caused by 1999 Wis. Act 182. Prior to 1999 Wis. Act 182, the phrase "any general or regular election" referred to one specific election because it was qualified by the phrase "that may be held not less than 10 nor more than 40 days from the date of filing such petition." As the provision currently stands, "any general or regular election" is not qualified in this way and could mean the next general or regular election or some future general or regular election occurring after the next one.

See my change to relating clause. OK? Also,

⑦****NOTE: is the problem addressed by this bill really a "conflict" — a municipality seeking to act under s. 86.21(2)(a) as that statute currently stands would not find itself subject to contradictory requirements. If the problem is not a conflict, the relating clause should be adjusted.

INS X

for Senate

Please Tacket the following
Revisor's bills:

LRB - 1443/1

LRB - 0952/1

LRB - 2183/1

LRB - 2304/1

Thanks,

Don Dyke